

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 445 of 1994

For Approval and Signature:

Hon'ble MISS JUSTICE R.M. DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJ

Versus

VINODBHAI ISHWARBHAI

Appearance:

MR ST MEHTA APP for Petitioner
NOTICE SERVED for Respondent No. 1
MR RAKESH SHARMA for MR VIJAY H PATEL
for Respondent No. 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 18/09/2000

ORAL JUDGEMENT

This revision application under Sec. 397 read with Section 401 CrPC has been preferred by the State

Government against the order dated 3rd August, 1994 made by the learned Addl. Sessions Judge, Valsad in Sessions Case no. 108 of 1992. The accused are alleged to have committed offence punishable under Sections 363, 366, 376, 506 (2) and 114 IPC on 10th/11th August, 1992. A complaint in this respect was lodged with the concerned police station on 15th August, 1992. Upon police report, the above-referred Sessions Case has been registered against the accused. The accused filed an application Exh. 1 praying for an order of discharge. The learned Judge after hearing the prosecution and the accused, by the impugned order dated 3rd August, 1994 allowed the application partially ie., the accused were discharged of the offence punishable under Sec. 376 read with Section 114 IPC whereas, the application for discharge for offences punishable under Sections 363, 366, 341, 506 (2) and 114 IPC was rejected. It appears that the learned Judge has relied upon the oral evidence of the complainant-victim Sadhnaben Naginbhai and the medical report. It is categorically recorded that the medical evidence does not disclose commission of offence punishable under Section 376 IPC. Considering the medical evidence, the order of discharge of offence under Section 376 read with Section 114 IPC is justified.

Revision application is dismissed. Rule is discharged. Ad-interim relief is vacated. The trial Court shall now proceed further with the trial in accordance with law.

Prakash*